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10/536,794	12/16/2005	Kimiyoshi Machii	029267.56376US	4519

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EXAMINER
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MANCHO, RONNIE M

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3663

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,794	<b>Applicant(s)</b> MACHII ET AL.	
	<b>Examiner</b> RONNIE MANCHO	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-22 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/08; 12/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 31 and 32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 31 and 32 are drawn to apparatus claims. However, Claims 17-22, 25, 26-30 are drawn to method claims.
2. The inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Applicant is entitled to one method invention or one apparatus invention. Applicant presented multiple methods.
3. Further there is no special technical feature that when considered as whole defines a contribution over the prior art of record as evidenced by PCT/ISA/210.  
  
Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31 and 32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 17-22, 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, applicant recites “route guide information including *route information* and *guide information*”. Applicant’s claims do not provide a difference between “*route information*” and “*guide information*”. Applicant is requested to add the two limitations possibly in the drawings and or specification. The examiner believes that both limitations should be construed as one limitation. Thus applicant may change both limitations to read -- *route information*-- for clarity.

In step ( C ), "*the obtained route information* in a batch", emphasis added, lacks antecedent basis.

The rest of the claims are rejected for similar errors or for depending on a rejected base claim.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 17-22, 25-30 are rejected under 35 U.S.C. 102 (e) as being unpatentable over Ito et al (6484093).

Regarding claim 17, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose a route guidance method for providing route guidance by engaging an information terminal 100 (fig. 1; col. 7, lines 1-12), that transmits information indicating a start point and a destination for a recommended route, to an information distribution center 10 (col. 7, lines 13-46), wherein the information distribution center obtains, through a route search calculation, route guide information including route information and guide information for the recommended route and transmits the route guide information to the information terminal 100 (col. 12, lines 22 to col. 13, line 40), the method comprising:

(a) a step in which a user is informed of an estimated download time (col. 12, lines 51-61) for downloading the route guide information determined based upon a physical quantity indicating a data size of the route guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40);

(b) a step in which the information terminal transmits a request to the information distribution center to transmit the route guide information in installments (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40);

(c) a step in which upon receiving the request, the information distribution center extracts a portion of the guide information corresponding to an area of the recommended route near the start point and transmits the obtained route information in a batch and the extracted portion of the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40); and

(d) a step in which upon receiving the extracted portion of the guide information corresponding to the area of the recommended route near the start point, the information terminal starts the route guidance (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40).

Regarding claim 18, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 17, wherein:

the guide information includes a guidance for advancing direction at each guide point on the recommended route (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 19, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 18, wherein:

the portion of guide information corresponding to the area near the start point including guide information for a block extending from the start point to a next guide point (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 20, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 17, wherein the data size of the route guide information is a data size of the guide information or a number of guide points contained in the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 21, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 17, wherein after starting the

route guidance, the information terminal transmits to the information distribution center a request for remaining guide information, and

the information distribution center extracts and transmits the remaining portion of the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 22, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 21, wherein each time the request is received for the remaining portion of the guide information is received, the information distribution center transmits guide information extracted in a unit corresponding to a guide point to the information terminal (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 25, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose a route guidance method for providing route guidance by exchanging information related to a recommended route from a start point to a destination between an information terminal and an information distribution center, comprising:

(a) a step in which the information terminal transmits information indicating the start point and the destination to the information distribution center (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11);

(b) a step in which the information distribution center obtains route guide information including route information and guide information for the recommended a route through the search calculation (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11);

(c) a step in which the information distribution center extracts a first piece of the guide information for an area of the recommended route near the start point and a second piece of the guide information for the remaining area of the recommended route and transmits to the

Art Unit: 3663

information terminal the route information in a batch and the first and second piece of the guide information separately (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11); and

(d) a step in which the information terminal starts the route guidance upon receiving from the information distribution center the route information and the first piece of the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 26, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 25, wherein the guide information includes a guidance for advancing direction at each guide point on the recommended route (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 27, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 25, wherein the first piece of the guide information includes at least a guidance for advancing direction at a next guide point to the start point (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 28, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 25, wherein the information distribution center extracts the first piece of the guide information upon receiving a request for splitting transmission of the route guide information from the information terminal, the request being issued based on an intention of a user who is informed of an estimated download time for the route guide information determined based on a physical quantity indicating a data size of the guide information or a number of guide points contained in the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).



Regarding claim 29, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 25, wherein after starting the route guidance, the information terminal transmits to the information distribution center a request for the second piece of the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 30, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose route guidance method according to claim 29, wherein each time the request for the second piece of the guide information is received, the information distribution center transmits the second piece of guide information extracted in a unit corresponding to a guide point to the information terminal (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 17-22, 25-30 have been considered but are moot in view of the new ground(s) of rejections in view of new art.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Endo et al (6873905) shows a navigation apparatus with time of download (fig. 32, steo 1001-1003; col. 22, liens 11-40); Seto (6629035) does a similar process.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Communication***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3663

3/29/2008

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663